

ORDINANCE NO. 2020-3787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, AMENDING ORDINANCE 2020-3771 TO MOVE THE DATE OF THE 2020 REGULAR MUNICIPAL ELECTION FROM THE 2ND DAY OF MAY, 2020, TO NOVEMBER 3, 2020, OR A DATE MADE AVAILABLE BY THE STATE BEFORE THAT DATE, FOR THE PURPOSE OF ELECTING A COUNCILPERSON DISTRICT 1, COUNCILPERSON DISTRICT 6, AND A COUNCILPERSON-AT-LARGE POSITION B; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 13, 2020, the City Council passed Ordinance 2020-3771, which ordered an election to be held on May 2, 2020, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a Disaster Declaration for the State of Texas related to the Covid-19 pandemic; and

WHEREAS, on March 13, 2020, the Mayor of La Porte issued a Disaster Declaration for the City of La Porte, which declaration was extended until April 3, 2020, by the City Council, on March 20, 2020; and

WHEREAS, on March 18, 2020, Texas Governor Greg Abbott issued a proclamation, attached hereto as Exhibit A (the “Proclamation”) suspending Section 41.0052 (a) and (b) of the Texas Election Code, thereby allowing political subdivisions of the state to move their general and special elections set on May 2, 2020, to the November 3, 2020, uniform election date, without otherwise adjusting the term of office; and

WHEREAS, the City Council finds that it is in public health, safety, and interest to postpone the May 2, 2020, general municipal election for the election of Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B, pursuant to the Proclamation; and

WHEREAS, the City Council seeks and will consider a date prior to the November 3, 2020, uniform election date, should one or more become available;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are true and correct and are hereby incorporated into the body of this ordinance by reference.

SECTION 2. Pursuant to authority extended to political subdivisions in the March 18, 2020, Proclamation of Texas Government Greg Abbott, City of La Porte Ordinance 2020-3771 is hereby amended to postpone the ordered election for the City of La Porte from May 2, 2020, to November 3, 2020. The regular municipal election of the City of La Porte, Texas, for election of members of the City Council prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 3rd day of November, 2020, in the city, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B. A run-off election, if necessary, will be ordered in accordance with law and will be

held, on a date determined by Harris County, on that day between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m.

SECTION 3. The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts shall be as determined by a joint election agreement and election services contract to be arranged with Harris County:

SECTION 4. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

SECTION 5. Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 15, 2020, and must be filed not later than 5:00 p.m. on February 14, 2020. The candidate filings for the election originally ordered for May 2, 2020, will remain valid for the election to be held on November 3, 2020, and the original filing period that ended on February 14, 2020, at 5:00 p.m. will not be reopened. The voter registration deadline is October 5, 2020.

SECTION 6. Each Councilperson—District 1, Councilperson—District 6, and Councilperson-at-large—Position B shall each be elected by majority vote of all the votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

SECTION 7. Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for twelve (12) months immediately preceding election day. Each candidate for the office of Councilperson-District 1 and Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of the district for which he or she files for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

SECTION 8. Harris County shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for the joint early voting in person and voting by mail, and designate the Main Early Voting Location for early voting for the election.

Applications for ballot by mail may be mailed, faxed, emailed, or delivered by common or contract carrier to:

Lee Woodward, City Secretary
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571

Phone: 281-470-5021 Fax: 281-842-3701 Email: CitySecretary@LaPorteTX.gov

who shall promptly provide them to the Early Voting Clerk, per the provisions of the Texas Election Code. The deadline to submit an application for a ballot by mail (ABBM) is October 23, 2020.

All ABBMs submitted based on the applicant being over the ages of 65 or due to disability will remain valid for the November 3, 2020, election; ABBMs for voters who submitted ABBMs based on expected absence from the city regarding the May 2, 2020, election will not be valid for the November 3, 2020 election.

The places at which Early Voting by personal appearance shall be conducted shall be designated by Harris County.

During the lawful early voting period, which will be from October 19, 2020, through October 30, 2020, such Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

SECTION 9. Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

SECTION 10. The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, Notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21st) day before election day and remain posted thorough election day.

SECTION 11. The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

SECTION 12. Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision; and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

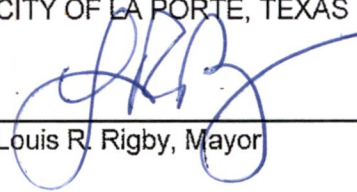
SECTION 13. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 14. All portions of Ordinance 2020-3771 not specifically amended as provided herein shall remain in full force and effect.

SECTION 15. This ordinance shall be in effect immediately upon its passage and approval.


PASSED AND APPROVED, this, the 30th day of March, 2020.

CITY OF LA PORTE, TEXAS



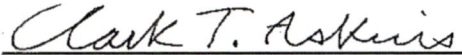
Louis R. Rigby, Mayor

ATTEST:



Lee Woodward, City Secretary

APPROVED AS TO FORM:



Clark T. Askins, Assistant City Attorney

Exhibit A



GOVERNOR GREG ABBOTT

March 18, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM 'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 18 2020

Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment